



Senate

General Assembly

File No. 607

February Session, 2008

Senate Resolution No. 10

Senate, April 14, 2008

The Senate Committee on Appropriations reported through SEN. HARP of the 10th Dist., Chairperson of the Committee on the part of the Senate, that the resolution ought to be adopted.

**RESOLUTION APPROVING THE SETTLEMENT AGREEMENT IN
CARR V. WILSON-COKER, COMMISSIONER, DEPARTMENT OF
SOCIAL SERVICES.**

Resolved by the Senate:

- 1 That the provisions of the settlement agreement in the action Carr v.
- 2 Wilson-Coker, Commissioner, Department of Social Services, United
- 3 States District Court, District of Connecticut, Civil Action No. 3:00 CV
- 4 1050 (AVC), requiring an expenditure from the General Fund budget
- 5 in excess of two million five hundred thousand dollars and submitted
- 6 by the Attorney General to this Assembly for approval in accordance
- 7 with section 3-125a of the general statutes, are approved.

APP *Senate Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 09 \$	FY 10 \$
Department of Social Services	GF - Cost	See Below	See Below

Municipal Impact: None

Explanation

This resolution approves the settlement concerning the adequate provision of dental services under the Department of Social Services' HUSKY program. This settlement is expected to significantly increase the costs of dental services in the HUSKY program through increased rates and utilization.

sHB 5021 (the biennial budget adjustment bill, as approved by the Appropriations Committee) contains an additional \$20 million in FY09 for HUSKY dental rate increases, which more than doubles the resources previously spent on HUSKY dental care. Additionally, the bill provides \$15 million for increased volume, as more providers are anticipated to participate in the system with the higher reimbursement rates.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OFA Bill Analysis**SR 10*****RESOLUTION APPROVING THE SETTLEMENT AGREEMENT IN CARR V. WILSON-COKER, COMMISSIONER, DEPARTMENT OF SOCIAL SERVICES.*****SUMMARY:**

The settlement requires increased state funding during the term of the agreement. Such required funding has been included in the current year's budget and in the Governor's recommended budget for fiscal year 2008-2009 with language that allows for a carry over of unused funds from the current year.

The settlement term is four years, commencing on the date that the District Court approves the Settlement Agreement. Under the settlement, the state takes HUSKY dental services from the managed care companies and administers dental services through an administrative services organization that will be responsible for acting as the Department's agent for such purposes as provider enrollment and utilization review. The Department of Social Services (DSS) must aggressively recruit new dental care providers and provide scheduling assistance for children who need help setting up dental appointments. DSS must track dental services for each HUSKY child utilizing claims data. Reminder notices will be sent to a child who is overdue for a dental appointment.

DSS must also send notices to clients informing them of the availability of EPSDT dental services, implement EPSDT dental case management, conduct outreach to clients, establish a Dental Policy Advisory Committee, reimburse pediatricians who provide oral health education and services to young children, allow Federally Qualified

Health Centers (FQHC's) to bill for covered services that they provide even if the dentist is not enrolled in the HUSKY program.

DSS must provide \$5 million in grants to non-profit, non-FQHC safety net providers, such as school based health clinics and hospital outpatient clinics, for the purposes of expanding access to services.

DSS must increase its dental services reimbursement rates to prescribed levels in accordance with a negotiated fee schedule which is attached to the agreement. It also pledges that the amount expended for child dental services will increase by at least \$20 million over baseline expenditures, which should not be an issue given the negotiated fee increases.

The state must pay \$300,000 in attorneys' fees.

EFFECTIVE DATE: Upon passage

Federal Court jurisdiction:

For four years from the date of the settlement, the plaintiffs may seek federal court enforcement of the settlement terms if the state is not in substantial compliance with the terms of the settlement.

COMMITTEE ACTION

Appropriations Committee

Senate Favorable

Yea 7 Nay 0 (03/31/2008)